

EDNY (C. Islip)
05-cv-4345
Hon. J. Seybert

MANDATE

E.D.N.Y. - C. Islip.
05-cv-4345
05-cv-4296
Seybert, J.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

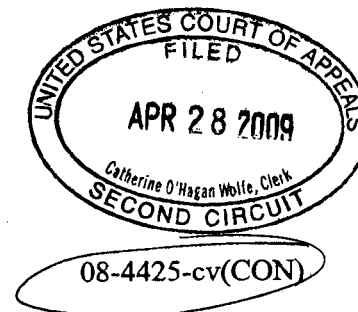
★ AUG 18 2009 ★

LONG ISLAND OFFICE

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 28th day of April, two thousand nine.

Present:

Hon. Amalya L. Kearse,
Hon. Reena Raggi,
Hon. Debra Ann Livingston,
Circuit Judges.



In Re DHB Industries, Inc. Class Action Litigation

08-4425-cv(CON)

In Re DHB Industries, Inc. Class Action Litigation

08-4429-cv(CON)

Defendant-appellee DHB Industries, Inc. ("DHB") has moved to dismiss the appeals filed by the United States under docket nos. 08-4425-cv(CON) and 08-4429-cv(CON); plaintiffs-appellees have joined in that motion. By motion dated April 14, 2009, the United States has withdrawn its opposition to DHB's motion and filed its own motion to dismiss the aforementioned appeals. Upon due consideration, it is hereby ORDERED that the government's motion, construed to be on consent of the parties, is GRANTED for lack of authority from the Solicitor General of the United States to pursue the appeals. The appeals filed under docket nos. 08-4425-cv(CON) and 08-4429-cv(CON) are therefore DISMISSED. It is further ORDERED that DHB's motion to dismiss is DENIED as moot.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: *[Signature]*

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by *[Signature]*
DEPUTY CLERK

SAO-MWV

ISSUED AS MANDATE

8/12/09